

THE CITY OF WARWICK
STATE OF RHODE ISLAND

CHAPTER 51
PLANNING AND DEVELOPMENT

No..... Date.....

Approved.....Mayor

Be it ordained by the City of Warwick:

Section I. Chapter 51 of the Code of Ordinances of the City of Warwick is hereby amended by adding thereto:

Article IV
MORATORIUMS

Sec. 51-80. – Ground Mounted Solar Photovoltaic Installation Moratorium Ordinance.

(a) Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Ground Mounted Solar Photovoltaic Installation means the use of a parcel of land for production and sale and/or distribution of electricity by collecting energy produced by the sun in ground mounted structures. Said structures shall be specifically designed to use ground-mounted supports upon which the solar collectors are mounted.

(b) Findings. The Warwick City Council does hereby find that:

(1) Pursuant to Article II Section 2-18 of the Warwick City Charter, the City Council has the authority to enact ordinances for the preservation of the public peace, morals, health, safety, comfort and welfare of the inhabitants of the city and the for the protection of persons and property.

(2) Areas of the City are under threat of excessive development pressure from commercial utility scale ground mounted solar photovoltaic installations, due to the amount of underdeveloped land and the demand for such ground mounted solar photovoltaic installations.

1 (3) It is anticipated that the City may receive a number of applications for ground mounted solar
2 photovoltaic installations in the near future that if approved, may be incompatible with residential
3 and other land uses.

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5 (4) The City's existing ordinances and zoning regulations do not adequately regulate the
6 development of ground mounted solar photovoltaic installations in the near future that if approved,
7 may be incompatible with other land uses.

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9 (5) The potential unregulated/underregulated location of ground mounted solar photovoltaic
10 installations in the City raises legitimate and substantial questions about the impact of such
11 development on the City, including questions about the compatibility of the ground mounted solar
12 photovoltaic installations with existing uses and development in open space, residential and other
13 zoning districts, and the potential adverse health, safety and welfare effects of ground mounted
14 solar photovoltaic installations on the residents of the City if not properly regulated, including,
15 without limitation, aesthetic impacts and potential impacts on residential and other property values.

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17 (6) Development of ground mounted solar photovoltaic installations could pose serious threats to
18 the public health, safety and welfare of the residents of the City through the potential
19 overdevelopment of areas of the City with such ground mounted solar photovoltaic installations
20 without adequate provisions for issues of safety, land use compatibility, and preventing significant
21 tree cutting because of the important water management, cooling and climate benefits that trees
22 provide.

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24 (7) There is a current and immediate threat to the public health, safety and welfare to residents of
25 the City if permits or entitlements for construction of ground mounted solar photovoltaic
26 installations are issued and such permits or entitlements may result in ground mounted solar
27 photovoltaic installations that would conflict with amendments to the Code of Ordinances of the
28 City of Warwick and zoning regulations that may be adopted as a result of the study that is to be
29 undertaken.

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31 (8) The City requires an opportunity to carefully review and consider its ordinances and zoning
32 regulations to determine the implications of future proposed ground mounted solar photovoltaic
33 installations and to develop reasonable ordinances and zoning regulations and/or amendments
34 thereto governing the location and operations of such ground mounted solar photovoltaic
35 installations to provide for the health, safety and welfare of the residents of the City.

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37 (9) The City's current ordinances and other applicable laws are not adequate to prevent serious
38 public harm possible to be caused by the development of additional ground mounted solar
39 photovoltaic installations in the City, thereby necessitating a temporary moratorium.

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41 (10) A moratorium on ground mounted solar photovoltaic installations is necessary to prevent an
42 overburdening of municipal and natural resources and public facilities that is reasonably
43 foreseeable as the result of ground mounted solar installations being located in the City during the
44 current state of solar ordinance study, revision and consideration.

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46 (11) A moratorium of one hundred eighty (180) days is necessary to provide the City adequate
47 time to review and amend its ordinances, zoning standards, and regulations related to ground

1 mounted solar photovoltaic installations in order to protect the health, safety and welfare of the
2 residents of the City.

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4 (c) Moratorium on Ground Mounted Solar Photovoltaic Installations.

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6 (1) In accordance with the findings in this section, a ground mounted solar photovoltaic
7 installations moratorium is hereby adopted imposing a moratorium on all ground mounted solar
8 photovoltaic installations, which shall be effective immediately upon passage, and applicable to
9 the maximum extent permitted by law and subject to the terms, severability clause and vesting
10 provisions of this ordinance. The ground mounted solar photovoltaic installation moratorium is
11 applicable to all proceedings, applications and petitions not vested pursuant to Rhode Island
12 General Laws § 45-24-44, and as stated in this ordinance and/or pursuant to the City of Warwick
13 Code of Ordinances, Appendix A, Section 1009 as of **November 1, 2021**, and on any new
14 construction or use, requiring approval under the terms of the City's land-use ordinances and
15 regulations for such, until the effective date of any duly adopted amendments to the land use
16 ordinances or regulations or until **April 30, 2022** or as may be otherwise provided by the City
17 Council by ordinance.

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19 (2) The Planning Board, Zoning Board of Review, Zoning Board of Appeal, all City agencies and
20 all City employees shall neither accept, process, approve, deny, or in any way act upon any non-
21 vested applications, plans, permits, licenses and/or fees for any construction or uses governed by
22 this ground mounted solar photovoltaic installation moratorium ordinance for such ground
23 mounted solar photovoltaic installations for said period of time.

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25 (3) Those provisions of the City's land use ordinances and land development and subdivision
26 regulations that are inconsistent or conflicting with the provisions of this ground mounted solar
27 photovoltaic installation moratorium ordinance, are hereby stayed to the extent that they are
28 applicable for the duration of the ground mounted solar photovoltaic installation moratorium
29 ordinance hereby ordained, but not otherwise.

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31 (d) Severability. To the extent any section, subsection or provision of this ground mounted solar
32 photovoltaic installation moratorium ordinance is declared invalid by a court of competent
33 jurisdiction, such declaration shall not invalidate any other section, subsection or provision of this
34 ordinance.

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36 (e) Public Hearing; Voting. Amendments to or enactment of a zoning ordinance regarding ground
37 mounted solar photovoltaic installations shall be heard before a public hearing by the City Council,
38 and must be voted upon at a City Council Meeting or Special City Council Meeting.

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40 (f) Vesting Clause. Notwithstanding any provision contained herein to the contrary, any proposal
41 for Ground Mounted Solar Photovoltaic Installation for which an applicant has submitted all
42 required materials and has been certified as complete by the administrative official shall be
43 considered vested and may proceed under the applicable regulations in effect at the time of
44 certification of completeness.

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47 Section II. This Ordinance shall take effect upon passage.

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SPONSORED BY: COUNCIL PRESIDENT MCALLISTER
ON BEHALF OF MAYOR PICOZZI

COMMITTEE: UNANIMOUS CONSENT